

**Notice of Allowability**

Application No.

10/738,464

Applicant(s)

JUMPERTZ, WERNER

Examiner

Jin-Cheng Wang

Art Unit

2628

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/10/2005 and 6/6/2006.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>12-17-03</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                   | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

***EXAMINER'S AMENDMENT***

An examiner's amendment to the record appears below. Should the changes and or additions be unacceptable to the applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Prior to this Office Action, the Examiner has an interview with Mr. Brian Duncan dated Aug. 31, 2007. Applicant agrees with the changes suggested by the Examiner to the claims 2-8, 10 and 12-18 and a copy of the amendment to the claims 2-8, 10 and 12-18, has been faxed by the Applicant. Please amend the claims 2-8, 10 and 12-18 as follows.

2. (Currently Amended) [A device] The device in accordance with claim 1, wherein said input means comprises an input medium including a bar code reader.
3. (Currently Amended) [A device] The device in accordance with claim 1, wherein said input means comprises an input medium including a speech input device.
4. (Currently Amended) [A device] The device in accordance with claim 1, wherein said input means comprises an input medium including a memory chip.
5. (Currently Amended) [A device] The device in accordance with claim 1, wherein a LCD display is provided for providing an output of image signals via said display [means].

6. (Currently Amended) [A device] The device in accordance with claim 1, wherein said display is arranged in the field of view of the device user within a gas mask.
7. (Currently Amended) [A device] The device in accordance with claim 1, wherein the building topology data comprises fixed points including one or more of stairs, columns and window openings.
8. (Currently Amended) [A device] The device in accordance with claim 1, further comprising means for transmitting the position data and image signals to a deployment center.
10. (Currently Amended) [A process] The process in accordance with claim 9, further comprising using an input medium to call up the stored topology of the building from the storage medium wherein the entry position into the building is predetermined with said input medium.
12. (Currently Amended) [A system] The system in accordance with claim 11, wherein said input means comprises a bar code reader for one of providing data to said processor and triggering access to data stored in said storage medium by said processor.
13. (Currently Amended) [A system] The system in accordance with claim 11, wherein the input means comprises a speech input device for one of providing data to said processor

and triggering access to data stored in said storage medium by said processor.

14. (Currently Amended) [A system] The system in accordance with claim 11, wherein the input means comprises a memory chip for one of providing data to said processor and triggering access to data stored in said storage medium by said processor.
15. (Currently Amended) [A system] The system in accordance with claim 11, wherein a LCD display is provided for providing an output of image signals via said display [means].
16. (Currently Amended) [A system] The system in accordance with claim 11, wherein said display [means] is arranged in the field of view of the display user within a gas mask.
17. (Currently Amended) [A system] The system in accordance with claim 11, wherein the building topology comprises fixed points including one or more of stairs, columns and window openings.
18. (Currently Amended) [A system] The system in accordance with claim 11, further comprising a transmission means for transmitting position data and image signals to a deployment center.

*Reasons for Allowance*

Art Unit: 2628

The following is an examiner's statement of reasons for allowance:

The claims 1, 9 and 11 of the amendment of 8/10/2005 are allowed for the reasons set forth below. Nothing in the prior art anticipates or suggests, "a means for determining an instantaneous position of the device user by evaluating the image signals sent by said image recording means by pattern recognition of the image falling near or about the eyes of the device user and the stored building topography data" in A device for monitoring the deployment of respirator users, set forth in the base claim 1. The claims 9 and 11 are allowed for the same reasons as the claim 1. The claims 2-8, 10, and 12-18 are allowed based on the examiner's amendment (see the attached paper).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jin-Cheng Wang whose telephone number is (571) 272-7665.

The examiner can normally be reached on 8:00 - 6:30 (Mon-Thu).

Art Unit: 2628

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JCW

